

**RESOLUTION NO. R-13-2014**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF KENSINGTON  
TO GRANT A HEIGHT AND TOTAL AREA SIGN VARIANCE FOR  
10810 CONNECTICUT AVENUE**

WHEREAS, an application for a five foot height and sixty-six foot total sign area variance from the requirements of Section 6-104 of the Town Code has been filed by the owners Kaiser Foundation Health Plan of Mid-Atlantic States, Inc. ("Owner"), for certain real property located at 10810 Connecticut Avenue ("the Property"); and

WHEREAS, Section 6-104(c) of the Town Code limits monument signs to a height of six feet and a total sign area of fifty square feet; and

WHEREAS, the Property has a steep slope which drops off from the Connecticut Avenue frontage to the building; and

WHEREAS, a sign placed along the Connecticut Avenue frontage with dimensions as allowed under the Town Code would not be fully visible due to this change in grade; and

WHEREAS, the Town Council may grant a petition for a variance upon proof by a preponderance of the evidence that:

- (1) There are specific situations or conditions that are peculiar to the property that makes it unique from neighboring properties, including, but not limited to: (i) shape (narrowness/shallowness); (ii) topography; (iii) historic significance; (iv) environmental features; or (v) other extraordinary conditions unique to that property. The conditions must result from the application of building or zoning standards and not from the action, inaction or the personal circumstances of the property owner or the owner's predecessor(s);
- (2) The requested variance is the minimum necessary to overcome the unique condition of the property; and

(3) The requested variance is not detrimental to neighboring properties or the community as a whole.

WHEREAS, the Mayor and Council held a hearing on the variance request on July 7, 2014 at a public meeting, after due notice to the public and to the adjacent neighbors, and received testimony on the requested variance.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Kensington, based on the testimony presented at the hearing on July 7, 2014, adopts following findings of fact and conclusions of law:

Findings of Fact:

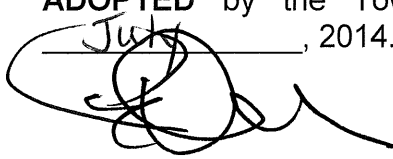
1. The Kaiser Foundation Health Plan of Mid-Atlantic, Inc. is the owner of 10810 Connecticut Avenue in Kensington, Maryland, which is zoned commercial.
2. The lot has a steep slope which drops off from the Connecticut Avenue property line. A sign placed along the Connecticut Avenue frontage with the dimensions allowed under the Town Code would not be fully visible from the street due to this change in grade
3. The request for a variance of five feet in height and sixty-six feet in total area for a sign to be constructed along the Connecticut Avenue frontage is the minimum variance necessary to allow the sign to fully visible from the street.
4. The sign is a standard commercial location sign except for its proposed size. No objections to the sign variance were received.

Conclusions of Law

1. The steep drop off of the lot from the Property line along Connecticut Avenue is a specific situation or condition that is peculiar to the property sufficient to justify the variance.
2. The requested variance is the minimum necessary to overcome the unique condition of the property for the sign to be visible from the street.
3. The requested variance is not detrimental to neighboring properties or the community as a whole. The sign is consistent with others in the commercial area and surrounding property owners have voiced no objection.

**BE IT FURTHER RESOLVED** by the Town Council that the Owner's variance request for a five foot height and sixty-six foot total area variance from the sign ordinance be and it is hereby granted.

**ADOPTED** by the Town Council of the Town of Kensington this 11<sup>th</sup> day of July, 2014.



Peter Fosselman, Mayor

This to certify that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the 11 day of July, 2014.

  
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Susan Engels, Clerk-Treasurer